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10/797,338

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Jon P. Yarbrough

60,583-004

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06/16/2008

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EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/797,338 | Applicant(s) YARBROUGH ET AL. | |
| | Examiner SUNIT PANDYA | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-22, 25-32, 34-46, 49-51, 54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-22, 25-32, 34-46, 49-51, 54 & 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to amendments filed 3/4/08, wherein the applicant has amended claims 1, 11, 17, 22, 32, 46, 49, 50 & 55 and claims 2-3, 23-24, 33, 47-48 & 52-53 have been canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-22, 25-32, 34-46, 49-51, 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff (US Patent 6,398,645) and further in view of Falciglia (US Patent 5,935,002).

Claim 1: Yoseloff teaches of generating an end game result of bingo-type game (col. 5-6:65-5, 8-9: 62-25). Yoseloff also teaches of displaying the end game indicative of whether a player has won or lost the game (figure 2, col. 9: 1-25), and also displays an award representation of the game result on a mechanical device (col. 10: 3-14, wherein the video screen is located on the a mechanical device, since it contains mechanical parts, thus the result are displayed on a mechanical device). However Yoseloff doesn't teach of displaying the end game result represented by a mechanical technological aid instead Yoseloff teaches of video reels.

However Falciglia, an analogues art, teaches of mechanical technological aid at an electronic play station, wherein mechanical technological aid includes mechanical reels rotateable around atleast one axis (col. 11: 25-30). Thus it would have been obvious for one with ordinary skill in the art at the time of the invention to have modified Yoseloff to include mechanical technological aid at an electronic play station to reduce user manipulations and tampering with the device and thus making the game fair for all of the participants (col. 2: 5-10).

Claims 4, 51: Yoseloff teaches of generating the result of the bingo-type game comprising of creating multiple different bingo cards for multiple players competing against each other (col. 5-6: 65-7, 12: 24-26).

Claims 5-6, 25: Yoseloff teaches generating at least one called number shared in common by multiple players prior to the step of generating the end game result of the bingo-type game, and wherein the numbers are reported to the gaming stations (col. 6: 9-18, 12: 11-29).

Claims 7-9, 26-28: Yoseloff teaches of generating at least one called number comprises generating a plurality of called numbers (col. 6: 9-18, wherein it is well known in the art to generate the numbers all at the same time or in succession).

Claims 10, 12, 15-16, 18, 29: Yoseloff teaches of the step of generating the end game result comprises of determining whether the called numbers establish a game-ending pattern or an interim pattern on any of the bingo cards (figure 2 discloses different game ending patterns, col. 9: 15-28).

Claims 11, 17: Yoseloff teaches step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern has been establish on the bingo card (figures 1 & 2).

Claims 13, 14, 19-20, 30-31: Yoseloff teaches of awarding prizes in response to determining the game-ending patterns or interim pattern established on the bingo cards. Yoseloff awards points or credits for the most bingo combinations (figure 2 teaches of different combination). However Yoseloff fails to teach of daubing for the patterns in the game.

Falciglia teaches of occurrence of daubing that may be performed manually or automatically by the players at the playing station, using a suitable interface (col. 13: 50-56). It would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to have modified Yoseloff's gaming machine to include the process of manual daubing disclosed by Falciglia, thus by implementing daubing in the gaming machine, the players are actively participating in the bingo-type game and active participation creates an exciting playing environment for all participating players.

Claim 21: Yoseloff teaches of determining whether plurality of players are playing the bingo game (col. 6: 30-40)

Claims 22, 49-50: Yoseloff teaches of generating the result of the bingo-type game comprising of creating a bingo card (col. 5-6:65-5, 8-9: 62-25). Yoseloff teaches of generating at least one called number comprises generating a plurality of called numbers (col. 6: 9-18). Yoseloff teaches of determining whether the called numbers establish a game-ending pattern or an interim pattern on any of the bingo cards (figure 2

Art Unit: 3714

discloses different game ending patterns, col. 9: 15-28). Yoseloff teaches step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern has been establish on the bingo card (figures 1 & 2). Yoseloff also teaches of displaying the end game indicative of whether a player has won or lost the game (figure 2, col. 9: 1-25), and also displays an award representation of the game result on a mechanical device (col. 10: 3-14, wherein the video screen is located on the a mechanical device, since it contains mechanical parts, thus the result are displayed on a mechanical device).

However Falciglia, an analogues art, teaches of mechanical technological aid at an electronic play station, wherein mechanical technological aid includes mechanical reels rotateable around atleast one axis (col. 11: 25-30). Thus it would have been obvious for one with ordinary skill in the art at the time of the invention to have modified Yoseloff to include mechanical technological aid at an electronic play station to reduce user manipulations and tampering with the device and thus making the game fair for all of the participants (col. 2: 5-10).

Claims 32, 34-46: Yoseloff substantially teaches the invention as claimed (see rejection above), however Yoseloff does not explicitly teach a server to generate all the called numbers and said server distributing the numbers to all of the game machines connected through the a network. Yoseloff teaches of linking game machines together (col. 12: 25-27) which requires network and a server to distribute all of the game details through out all of the linked machines, thus Yoseloff implicitly teaches of server to

Art Unit: 3714

generate all the called numbers and said server distributing the numbers to all of the game machines.

Claim 54: Yoseloff teaches of creating multiple different bingo cards for multiple players competing against each other, wherein the players are located at different gaming terminals and therefore the cards are created at different terminals (col. 5-6: 65-7, 12: 24-26).

Claim 55: Yoseloff substantially teaches of the invention as claimed however fails to teach of displaying the end game result represented by a mechanical technological aid, instead Yoseloff teaches of video reels. However video reels are equivalent structure that is known in the art. Therefore, because these two display devices are art recognized equivalents at the time the invention was made, one of the ordinary skill in art would have found it obvious to substitute video reels instead to mechanical reel/die to reduce user manipulations and tampering with the device and thus making the game fair for all of the participants (col. 2: 5-10).

Response to Arguments

Applicant's arguments with respect to claims 1-32, 34-46, 49-55 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the filed claims, the examiner would like to bring to the applicant's attention to the following art made of record and not relied upon which is considered

pertinent to applicant's disclosure. The art related is to Class II gaming, which is provided with the office action to the applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

SP